

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN ASSEMBLY JUNE 15, 2006

AMENDED IN SENATE MAY 26, 2006

AMENDED IN SENATE APRIL 27, 2006

AMENDED IN SENATE APRIL 17, 2006

AMENDED IN SENATE MARCH 27, 2006

SENATE BILL

No. 1231

Introduced by Senators Dunn, Bowen, and Kuehl

(Coauthors: Assembly Members Evans, Jones, Laird, and Lieber)

February 6, 2006

An act to amend Sections 18400.1 and 18400.3 of, to amend and repeal Section 18502 of, and to repeal Section 18424 of, the Health and Safety Code, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

SB 1231, as amended, Dunn. Mobilehomes: park inspections.

(1) The Mobilehome Parks Act regulates the conditions in mobilehome parks and special occupancy parks, as defined, and, until January 1, 2007, requires the Department of Housing and Community Development, and local government entities that assume enforcement duties, to inspect the parks pursuant to specified criteria and to issue notices of violations. Existing law, until January 1, 2007, establishes a fee structure for permits for constructing and operating mobilehome parks and special occupancy parks and provides a different fee structure to take effect on and after January 1, 2007.

This bill would delete the January 1, 2007, repeal date thereby extending the operation of the provisions described above indefinitely.

(2) The Mobilehome Parks Act also requires the Department of Housing and Community Development to convene a specified task force at least once a year to provide input to the department on the conduct and operation of the mobilehome park maintenance inspection program.

This bill would instead require the task force to meet at least twice a year and would require its input to the department on the conduct and operation of the mobilehome park maintenance inspection program to include, but not be limited to, frequency of inspection, program formation, and recommendations for program changes.

(3) The Mobilehome Parks Act requires an annual operating permit fee of \$25 and an additional \$2 per lot or camping party, as specified. In addition, existing law requires, except for a special occupancy park, an additional annual fee of \$4 per lot and requires this additional \$4 fee to be used exclusively for the inspection of mobilehome parks and mobilehomes. Existing law repeals the additional \$4 fee per lot on January 1, 2007.

This bill would delete the January 1, 2007, repeal date thereby extending the imposition of the additional \$4 fee per lot indefinitely.

(4) This bill would incorporate additional changes in Sections 18400.1 and 18400.3 of the Health and Safety Code, to be operative only if AB 2250 and this bill are both chaptered and become effective on or before January 1, 2007, and this bill is chaptered last.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 18400.1 of the Health and Safety Code
- 2 is amended to read:
- 3 18400.1. (a) In accordance with subdivision (b), the
- 4 enforcement agency shall enter and inspect mobilehome parks, as
- 5 required under this part, to ensure enforcement of this part and
- 6 the regulations adopted pursuant to this part. The enforcement
- 7 agency's inspection shall include an inspection of the exterior
- 8 portions of individual manufactured homes and mobilehomes in
- 9 each park inspected. Any notices of violation of this part shall be

1 issued pursuant to Chapter 3.5 (commencing with Section
2 18420).

3 (b) In developing its mobilehome park maintenance inspection
4 program, the enforcement agency shall inspect the mobilehome
5 parks that the enforcement agency determines have complaints
6 that have been made to the enforcement agency regarding serious
7 health and safety violations in the park. A single complaint of a
8 serious health and safety violation shall not automatically trigger
9 an inspection of the entire park unless, upon investigation of that
10 single complaint, the enforcement agency determines that there is
11 a violation and that an inspection of the entire park is necessary.

12 (c) This part does not allow the enforcement agency to issue a
13 notice for a violation of existing laws or regulations that were not
14 violations of the laws or regulations at the time the mobilehome
15 park received its original permit to operate, or the standards
16 governing any subsequent permit to construct, or at the time the
17 manufactured home or mobilehome received its original
18 installation permit, unless the enforcement agency determines
19 that a condition of the park, manufactured home, or mobilehome
20 endangers the life, limb, health, or safety of the public or
21 occupants thereof.

22 (d) Not less than 30 days prior to the inspection of a
23 mobilehome park under this section, the enforcement agency
24 shall provide individual written notice of the inspection to the
25 registered owners of the manufactured homes or mobilehomes,
26 with a copy of the notice to the occupants thereof, if different
27 than the registered owners, and to the owner or operator of the
28 mobilehome park and the responsible person, as defined in
29 Section 18603.

30 (e) At the sole discretion of the enforcement agency's
31 inspector, a representative of either the park operator or the
32 mobilehome owners may accompany the inspector during the
33 inspection if that request is made to the enforcement agency or
34 the inspector requests a representative to accompany him or her.
35 If either party requests permission to accompany the inspector or
36 is requested by the inspector to accompany him or her, the other
37 party shall also be given the opportunity, with reasonable notice,
38 to accompany the inspector. Only one representative of the park
39 owner and one representative of the mobilehome owners in the
40 park may accompany the inspector at any one time during the

1 inspection. If more than one representative of the mobilehome
2 owners in the park requests permission to accompany the
3 inspector, the enforcement agency may adopt procedures for
4 choosing that representative.

5 (f) The enforcement agency shall coordinate a preinspection
6 orientation for mobilehome owners and mobilehome park
7 operators with the use of an audiovisual presentation furnished
8 by the department to affected local enforcement agencies.
9 Enforcement agencies shall furnish the audiovisual presentation
10 to park operators and mobilehome owner representatives in each
11 park subject to inspection not less than 30 days prior to the
12 inspection. Additionally, it is the Legislature's intent that the
13 department shall, where practicable, conduct live presentations,
14 forums, and outreach programs throughout the state to orient
15 mobilehome owners and park operators on the mobilehome park
16 maintenance inspection program and their rights and obligations
17 under the program.

18 (g) Any local enforcement agency that relinquishes
19 enforcement authority to the department shall remit to the
20 department fees collected pursuant to paragraph (2) of
21 subdivision (c) of Section 18502 that have not been expended for
22 purposes of that paragraph.

23 *SEC. 1.5. Section 18400.1 of the Health and Safety Code is*
24 *amended to read:*

25 18400.1. (a) In accordance with subdivision (b), the
26 enforcement agency shall enter and inspect mobilehome parks, as
27 required under this part, ~~at least once every seven years with a~~
28 *goal of inspecting at least 5 percent of the parks per year*, to
29 ensure enforcement of this part and the regulations adopted
30 pursuant to this part. The enforcement agency's inspection shall
31 include an inspection of the exterior portions of individual
32 manufactured homes and mobilehomes in each park inspected.
33 Any notices of violation of this part shall be issued pursuant to
34 Chapter 3.5 (commencing with Section 18420).

35 (b) In developing its mobilehome park maintenance inspection
36 program, the enforcement agency shall inspect the mobilehome
37 parks that the enforcement agency determines ~~either:~~ *have*
38 *complaints that have been made to the enforcement agency*
39 *regarding serious health and safety violations in the park. A*
40 *single complaint of a serious health and safety violation shall not*

1 *automatically trigger an inspection of the entire park unless upon*
2 *investigation of that single complaint the enforcement agency*
3 *determines that there is a violation and that an inspection of the*
4 *entire park is necessary.*

5 ~~(1) Had the most serious, or a substantial number of serious,~~
6 ~~health and safety violations as a result of inspections of the parks~~
7 ~~made pursuant to the mobilehome park maintenance inspection~~
8 ~~program during the 1991 through 1999 phase of the program.~~

9 ~~(2) Have complaints that have been made to the enforcement~~
10 ~~agency regarding serious health and safety violations in the park.~~
11 ~~A single complaint of a serious health and safety violation shall~~
12 ~~not automatically trigger an inspection of the entire park unless~~
13 ~~upon investigation of that single complaint the enforcement~~
14 ~~agency determines that there is a violation and that an inspection~~
15 ~~of the entire park is necessary.~~

16 ~~(c) Nothing in this part shall be construed to~~ *This part does not*
17 *allow the enforcement agency to issue a notice for a violation of*
18 *existing laws or regulations that were not violations of the laws*
19 *or regulations at the time the mobilehome park received its*
20 *original permit to operate, or the standards governing any*
21 *subsequent permit to construct, or at the time the manufactured*
22 *home or mobilehome received its original installation permit,*
23 *unless the enforcement agency determines that a condition of the*
24 *park, manufactured home, or mobilehome endangers the life,*
25 *limb, health, or safety of the public or occupants thereof.*

26 (d) Not less than 30 days prior to the inspection of a
27 mobilehome park under this section, the enforcement agency
28 shall provide individual written notice of the inspection to the
29 registered owners of the manufactured homes or mobilehomes,
30 with a copy of the notice to the occupants thereof, if different
31 than the registered owners, and to the owner or operator of the
32 mobilehome park and the responsible person, as defined in
33 Section 18603.

34 (e) At the sole discretion of the enforcement agency's
35 inspector, a representative of either the park operator or the
36 mobilehome owners may accompany the inspector during the
37 inspection if that request is made to the enforcement agency or
38 the inspector requests a representative to accompany him or her.
39 If either party requests permission to accompany the inspector or
40 is requested by the inspector to accompany him or her, the other

1 party shall also be given the opportunity, with reasonable notice,
2 to accompany the inspector. Only one representative of the park
3 owner and one representative of the mobilehome owners in the
4 park may accompany the inspector at any one time during the
5 inspection. If more than one representative of the mobilehome
6 owners in the park requests permission to accompany the
7 inspector, the enforcement agency may adopt procedures for
8 choosing that representative.

9 (f) The enforcement agency shall coordinate a preinspection
10 orientation for mobilehome owners and mobilehome park
11 operators with the use of an ~~audio-visual~~ *audiovisual*
12 presentation furnished by the department to affected local
13 enforcement agencies. Enforcement agencies shall furnish the
14 ~~audio-visual~~ *audiovisual* presentation to park operators and
15 mobilehome owner representatives in each park subject to
16 inspection not less than 30 days prior to the inspection.
17 Additionally, it is the Legislature's intent that the department
18 shall, where practicable, conduct live presentations, forums, and
19 outreach programs throughout the state to orient mobilehome
20 owners and park operators on the mobilehome park maintenance
21 inspection program and their rights and obligations under the
22 program.

23 (g) Any local enforcement agency that relinquishes
24 enforcement authority to the department shall remit to the
25 department fees collected pursuant to paragraph (2) of
26 subdivision (c) of Section 18502 that have not been expended for
27 purposes of that paragraph.

28 ~~(h) This section shall remain in effect only until January 1,~~
29 ~~2007, and as of that date is repealed, unless a later enacted~~
30 ~~statute, which is enacted before January 1, 2007, deletes or~~
31 ~~extends that date.~~

32 SEC. 2. Section 18400.3 of the Health and Safety Code is
33 amended to read:

34 18400.3. (a) The department shall convene a task force of
35 representatives of mobilehome owners, mobilehome park
36 operators, local enforcement agencies that conduct mobilehome
37 park inspections, and the Legislature, ~~at least twice a year~~ *every*
38 *six months*, to provide input to the department on the conduct and
39 operation of the mobilehome park maintenance inspection
40 program, including, but not limited to, frequency of inspection,

1 program information, and recommendations for program
2 changes.

3 (b) The Senate Committee on Rules and the Assembly
4 Committee on Rules shall each designate a member of its
5 respective house to be a member of the task force. Each
6 legislative member of the task force may designate an alternate to
7 represent him or her at task force meetings.

8 (c) With the input of the task force, the department may
9 reorganize violations under this part and the regulations adopted
10 pursuant to this part into the following two categories:

11 (1) Those constituting imminent hazards representing an
12 immediate risk to life, health, and safety and requiring immediate
13 correction.

14 (2) Those constituting unreasonable risk to life, health, or
15 safety and requiring correction within 60 days.

16 (d) Any matter that would have constituted a violation prior to
17 January 1, 2000, that is not categorized in accordance with
18 subdivision (c) on or after January 1, 2000, shall be of a minor or
19 technical nature and shall not be subject to citation or notation on
20 the record of an inspection conducted on or after January 1, 2000.

21 *SEC. 2.5. Section 18400.3 of the Health and Safety Code is*
22 *amended to read:*

23 18400.3. (a) The department shall convene a task force of
24 representatives of mobilehome owners, mobilehome park
25 operators, local enforcement agencies that conduct mobilehome
26 park inspections, and the Legislature, ~~at least once a year~~ *every*
27 *six months*, to provide input to the department on the conduct and
28 operation of the mobilehome park maintenance inspection
29 program, *including, but not limited to, frequency of inspection,*
30 *program information, and recommendations for program*
31 *changes. The department shall submit a report to the task force*
32 *semiannually that shall include, but not be limited to, all of the*
33 *following:*

34 (1) *The amount of fees collected and expended for the*
35 *inspection program.*

36 (2) *The number of parks and spaces that were inspected.*

37 (3) *The number of violations identified and progress on*
38 *correcting those violations.*

39 (4) *The most common park violations and the most common*
40 *homeowner violations.*

(b) The Senate Committee on Rules and the Assembly Committee on Rules shall each designate a member of its respective house to be a member of the task force. Each legislative member of the task force may designate an alternate to represent him or her at task force meetings.

(c) With the input of the task force, the department may reorganize violations under this part and the regulations adopted pursuant to this part into the following two categories:

(1) Those constituting imminent hazards representing an immediate risk to life, health, and safety and requiring immediate correction.

(2) Those constituting unreasonable risk to life, health, or safety and requiring correction within 60 days.

(d) Any matter that would have constituted a violation prior to January 1, 2000, that is not categorized in accordance with subdivision (c) on or after January 1, 2000, shall be of a minor or technical nature and shall not be subject to citation or notation on the record of an inspection conducted on or after January 1, 2000.

SEC. 3. Section 18424 of the Health and Safety Code is repealed.

SEC. 4. Section 18502 of the Health and Safety Code, as amended by Section 22 of Chapter 434 of the Statutes of 2001, is amended to read:

18502. Fees as applicable shall be submitted for permits:

(a) Fees for a permit to conduct any construction subject to this part as determined by the schedule of fees adopted by the department.

(b) Plan checking fees equal to one-half of the construction, plumbing, mechanical, and electrical permit fees, except that the minimum fee shall be ten dollars (\$10).

(c) (1) An annual operating permit fee of twenty-five dollars (\$25) and an additional two dollars (\$2) per lot.

(2) An additional annual fee of four dollars (\$4) per lot shall be paid to the department or the local enforcement agency, as appropriate, at the time of payment of the annual operating fee. All revenues derived from this fee shall be used exclusively for the inspection of mobilehome parks and mobilehomes to determine compliance with the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200)) and any regulations adopted pursuant to the act.

(3) The Legislature hereby finds and declares that the health and safety of mobilehome park occupants ~~is a matter~~ *are matters* of public interest and concern and that the fee paid pursuant to paragraph (2) shall be used exclusively for the inspection of mobilehome parks and mobilehomes to ensure that the living conditions of mobilehome park occupants meet the health and safety standards of this part and the regulations adopted pursuant thereto. Therefore, notwithstanding any other provisions of law or local ordinance, rule, regulation, or initiative measure to the contrary, the holder of the permit to operate the mobilehome park shall be entitled to directly charge one-half of the per lot additional annual fee specified herein to each homeowner, as defined in Section 798.9 of the Civil Code. In that event, the holder of the permit to operate the mobilehome park shall be entitled to directly charge each homeowner for one-half of the per lot additional annual fee at the next billing for the rent and other charges immediately following the payment of the additional fee to the department or local enforcement agency.

(d) Change in name fee or transfer of ownership or possession fee of ten dollars (\$10).

(e) Duplicate permit fee or amended permit fee of ten dollars (\$10).

SEC. 5. Section 18502 of the Health and Safety Code, as amended by Section 8 of Chapter 520 of the Statutes of 1999, is repealed.

SEC. 6. Section 18502 of the Health and Safety Code, as amended by Section 9 of Chapter 520 of the Statutes of 1999, is repealed.

SEC. 7. (a) *Section 1.5 of this bill incorporates amendments to Section 18400.1 of the Health and Safety Code proposed by both this bill and AB 2250. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2007, (2) each bill amends Section 18400.1 of the Health and Safety Code, and (3) this bill is enacted after AB 2250, in which case Section 1 of this bill shall not become operative.*

(b) *Section 2 of this bill incorporates amendments to Section 18400.3 of the Health and Safety Code proposed by both this bill and AB 2250. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2007, (2) each bill amends Section 18400.3 of the Health and Safety Code,*

- 1 *and (3) this bill is enacted after AB 2250, in which case Section 2*
- 2 *of this bill shall not become operative.*

O